

OAKLAND POLICE COMMISSION

RESOLUTION NO. 21-01

RESOLUTION TO URGE THAT THE DISTRICT ATTORNEYS' OFFICE REOPEN OFFICER-INVOLVED SHOOTING CASE OF OSCAR GRANT

WHEREAS, on January 1, 2009, Mr. Oscar Grant was shot and killed by former BART police officer Johannes Mehserle on the platform of the Fruitvale BART station, in Alameda County, CA;

WHEREAS, although Mehserle fired the fatal gunshot, several other BART police officers were present on the platform at that tragic moment;

WHEREAS, Mehserle resigned his employment with BART and was convicted of involuntary manslaughter for this shooting;

WHEREAS, one of the officers present on the platform, Anthony Pirone, participated in the detainment of Mr. Grant and his companions, and both struck and kneed Mr. Grant while detaining him, with the autopsy report revealing that Mr. Grant suffered trauma in his facial area and significant brain injury;

WHEREAS, Pirone also held Mr. Grant down on the platform by kneeling on him until just before Mr. Grant was shot by Mehserle;

WHEREAS, Pirone directed a racial slur at Mr. Grant during his detainment;

WHEREAS, when Mehserle fled the City of Oakland to avoid prosecution, the Oakland Police Department dispatched its officers to locate Mehserle and return him to Oakland to face charges;

WHEREAS, BART commissioned an independent investigation into this tragedy and a report was issued;

WHEREAS, that report, among other findings, determined that "Officer Pirone's overly aggressive and unreasonable actions and conduct in violation of policy and acceptable standards, contributed substantially to the escalation of the hostile and volatile atmosphere during the course of the incident";

WHEREAS, that report also stated that "Pirone was, in large part, responsible for setting the events in motion that created a chaotic and tense situation on the platform, setting the stage, even if inadvertent, for the shooting of Oscar Grant";

WHEREAS, Pirone was terminated from his employment at BART;

WHEREAS, Pirone has not yet been held criminally accountable for any of his actions that night;

WHEREAS, for more than a decade, the Justice for Oscar Grant Community Coalition, representing a broad array of community and religious organizations as well as legal and civil rights advocates, has organized rallies and peacefully protested the unjust killing of Oscar Grant;

WHEREAS, the steadfast action of the Justice for Oscar Grant Community Coalition movement has helped spawn movements throughout the country, such as Black Lives Matter, protesting police excessive use of force against people of color and demanding greater police accountability;

WHEREAS, the Justice for Oscar Grant Community Coalition is currently seeking action by the Alameda County District Attorney to file felony murder charges against Pirone to hold him accountable for behavior that led to the death of Oscar Grant;

WHEREAS, the Oakland Police Commission supports the efforts of the Justice for Oscar Grant Community Coalition;

RESOLVED, that the Oakland Police Commission calls on the Alameda County District Attorney Nancy O'Malley to expeditiously charge Pirone with felony murder, and any other criminal charges she finds applicable; and

FURTHER RESOLVED, District Attorney O'Malley is urged to seek the maximum penalty for such crimes upon conviction.

IN POLICE COMMISSION MEETING, January 14 , 2020, OAKLAND, CALIFORNIA,


PASSED BY THE FOLLOWING VOTE:

AYES – DORADO, GARCIA, HARBIN-FORTE, JACKSON, AND SINGLETON

NOES –

ABSENT – GAGE

ABSTENTION –

ATTEST: 

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